IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Crl.Rev.Pet.No. 132 of 2000()

CC.208/1992 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD DT.12.3.1996
CRA.52/1996 of IIND ADDL. SESSIONS COURT, PALAKKAD DT.14.1.2000.

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REVN. PETITIONER: APPELLANTS 1 AND 3/ ACCUSED 2 & 4
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1. KUMARAN, S/O.VELAYUDHAN,
KOTTAYI.

2. KUTTAN,
S/O.CHAMI, KOTTAYI.

BY ADV. SRI.P.VIJAYA BHANU
SRI.S.R.MANOJ

RESPONDENT: RESPONDENT/ COMPLAINANT

STATE OF KERALA, REP.BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA AT ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.DILIP.S

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.132/2000

ORDER ON CRL.MP.767/2000 IN CRRP. NO.132/2000

DISMISSED

11.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P. NO. 132 of 2000

Dated this the 11th day of July, 2007

ORDER

Revision petitioners/A2 and A4 in C.C.No.208/92 were charge sheeted with respect to the offences under sections 143, 147, 148, 323, 427 read with 149 IPC. Accused nos. 2 to 4 were found guilty and convicted and sentenced by the trial court, but on appeal, A3 was acquitted. The appellate court convicted A2 and A4 who are the revision petitioners herein for the offence under section 324 IPC and sentenced to undergo R.I for 3 months each.

2. Altogether 19 persons were in the accused array. The prosecution case is that the accused as well as the injured and their supporters who gathered on account of dispute with respect to the loading of paddy in a lorry and the offences committed subsequent to the altercation with respect to the right of loading of paddy on 20-7-91 at 7 p.m. The evidence adduced in the matter consisted of the testimony of PWs 1 to 19

and Exts. P1 to P11 and M.O-1 series of sticks, 9 in number. Except PWs 1 to 4, rest of the occurrence witnesses including some of the injured did not support the prosecution and were treated as hostile. PWs 1 to 4 as well as PW9 were the injured and PW-9 sustained serious injury on his left upper arm that resulted in` cutting deep muscles'. PWs 1 to 4 sustained minor injuries. PW-9 did not support the prosecution. The version of the witnesses that support the prosecution is that A1 had inflicted the cut injury on PW-9. The evidence of PWs 1 to 4 as to the involvement of A2 to A4/revision petitioners stands corroborated. In view of the concurrent findings of the courts below, I find no reason to interfere in exercise of the revisional jurisdiction of this Court. The conviction is confirmed.

3. Counsel for the revision petitioners has sought for modification of the sentence pointing out that the incident was a sequel to a trade union rivalry and the parties have

settled the matter. It is pointed out that the incident has taken place in July 1991 and that so many years have elapsed since the commencement of the criminal proceedings and hence, the sentence of imprisonment may be avoided.

4. In the circumstances, the sentence imposed for the offence under section 324 IPC is modified to pay a fine of Rs.5000/-(Five thousand only) each and in default to undergo simple imprisonment for 3 months each.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/

K.R.UDAYABHANU, J.

CRL.R.P. 132 OF 2000

ORDER

11-7-2007.